Claims 1-6 and 14-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kerstein in view of Sheu.

This rejection is respectfully traversed for the following reasons.

Claim 1 recites a multiport data communication system for transferring data packets between ports. The data communication system comprises:

-a plurality of ports for receiving and transmitting the data packets,

-a decision making engine responsive to received data packets for directing the received data packets to the ports selected for transmission of the received data packets,

The decision making engine includes:

-a plurality of queuing devices corresponding to the plurality of ports for queuing data blocks representing the data packets received by the corresponding ports, logic circuitry responsive to the plurality of queuing devices for processing the data blocks in accordance with a prescribed algorithm to determine destination information,

-a forwarding circuit responsive to the logic circuitry for identifying at least one transmit port , and

-a traffic capture mechanism for enabling one port of said plurality of ports to output data transferred via multiple other selected ports of said plurality of ports.

The Examiner admits that Kerstein does not disclose the claimed traffic capture mechanism. Sheu is relied upon for disclosing this element.

Considering the reference, Sheu suggests monitoring the traffic of any single port monitored by the other port (see abstract, col. 1, lines 12-13, 55-57, col. 2, lines 47-48). As shown in FIG. 3, a single user device 14 is monitored by a sniffer 18.

Hence, Sheu does not teach or suggest enabling one port of the plurality of ports to output data transferred via multiple other selected ports.

Hence, a combination of the applied references is not sufficient to suggest the claimed invention.

Independent method claim 14 recites a method of monitoring network activity, comprising the steps of:

-placing data blocks representing received data packets in a plurality of data queues to be processed by the decision making engine,

-processing the data queues by logic circuitry in accordance with a prescribed algorithm to determine destination information,

-identifying at least one port for transmitting data packets based on the destination information,

-selecting multiple sniffed ports among the plurality of ports for monitoring the data packets transferred via the sniffed ports, and

-selecting a sniffer port among the plurality of ports to provide output of the data packets transferred via the sniffed ports.

The Examiner admits that Kerstein does not disclose the steps of selecting multiple sniffed ports among the plurality of ports for monitoring the data packets transferred via the sniffed ports, and selecting a sniffer port among the plurality of ports to provide output of the data packets transferred via the sniffed ports. Sheu is relied upon for disclosing these steps.

However, as discussed above, Sheu does not disclose selecting multiple sniffed ports, and selecting a sniffer port to provide output of the data packets transferred via the (multiple) sniffed ports.

Hence, the combination of references does not teach or suggest the claimed method.

Dependent claims 2-6 and 15-18 are defined over the references at least for the reasons presented above in connection with the respective independent claims 1 and 14.

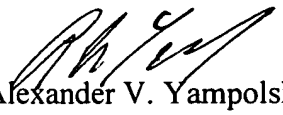
Accordingly, the rejection of claims 1-6 and 14-18 under 35 U.S.C. 103(a) as being unpatentable over Kerstein in view of Sheu is unwarranted and should be withdrawn.

In view of the foregoing, and in summary, claims 1-18 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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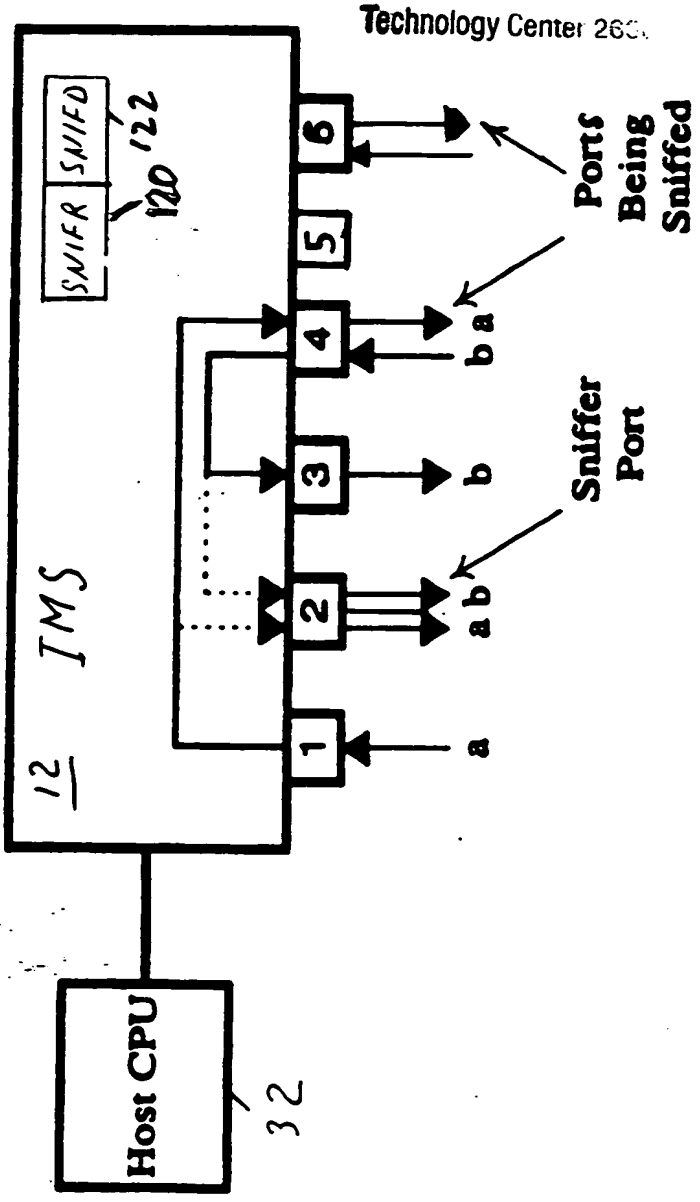

Figure 5